

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

TONY WRIGHT,

Plaintiff,

v.

SANDRA CARTER, *et al*,

Defendants.

Case No. C07-5351 FDB/KLS

ORDER DENYING MOTION FOR  
APPOINTMENT OF COUNSEL

This civil rights action has been referred to United States Magistrate Judge Karen L. Strombom pursuant to Title 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. Before the Court is Plaintiff's motion for appointment of counsel (Dkt. # 1, Attachment # 2). Having reviewed the motion, the Court finds, for the reasons stated below, that the motion should be denied.

There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983. Although the court, under 28 U.S.C. § 1915(d), can request counsel to represent a party proceeding *in forma pauperis*, the court may do so only in exceptional circumstances. *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986); *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984); *Aldabe v. Aldabe*, 616 F.2d 1089 (9th Cir. 1980). A finding of exceptional circumstances requires an evaluation of both the likelihood of success on the merits and the ability of the plaintiff to articulate his claims *pro se* in light of the complexity of the legal issues involved. *Wilborn*, 789 F.2d at 1331.

1 Plaintiff has demonstrated an adequate ability to articulate his claims *pro se* and has not  
2 demonstrated that the issues involved in this case are complex or that he has had any difficulties in  
3 expressing them. While Plaintiff may not have vast resources or legal training, he meets the  
4 threshold for a pro se litigant. In addition, Plaintiff has also not shown that there is a likelihood of  
5 success on the merits. Accordingly, the Court finds that counsel is not necessary in this case.

6 Accordingly, Plaintiff's motion to appoint counsel (Dkt. # 1, Attachment # 2) is **DENIED**.  
7 The Clerk is directed to send copies of this Order to Plaintiff.

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9 DATED this 15th day of August, 2007.

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12 Karen L. Strombom  
13 United States Magistrate Judge  
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